IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5955 of 2006

DATED: 27-03-2006

Between:

The Chief General Manager,
Singareni Collieries Co Ltd., RG-I Area,
Godavarikhani, Karimnagar dist petitioner

And

Uppuleti Shankar, Ex-coal filler,
GDK No.6B, Incline, EC No. 0887850
R/o.Quarter No.D-809, Sector-I,
Godavarikhani, Karimnagar district and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.5955 of 2006

ORAL ORDER:

The present writ petition is filed by the management/Singareni Collieries Company to quash the award passed in I.D. No. 21 of 2004 on the file of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad dated 4-4-2005.

The first respondent/workman was issued with a charge sheet dated 31-10-2001 alleging habitual absence from duty. After conducting an enquiry against the first respondent he was removed from service vide order dated 6.5.2002. The conciliation proceedings raised before the Assistant Commissioner of Labour (Central) Mancherial ended in failure and the first respondent raised an industrial dispute before the Central Government Industrial Tribunal cum Labour Court, Hyderabad. The Tribunal upon consideration of the matter, directed reinstatement of the workman subject to following conditions.

1 His services from 6.5.2002 till he is reinstated shall not be counted for any purpose including retirement purpose.

2 He will be reappointed as coal filler on the last pay that he has drawn

3 He shall put in minimum musters for 3 consecutive years only then his services shall be confirmed.

Questioning the said award dated 4.4.2005, the management

preferred the present writ petition on the ground that the Tribunal erred in interfering with the punishment imposed in a case of chronic unauthorized absence case.

Heard the learned counsel for petitioner, learned Government Pleader for Labour and perused the material available on record.

The parameters and scope of judicial review of this Court under Article 226 of the Constitution of India to issue a writ of Certiorari are limited to—firstly to correct errors of jurisdiction when the inferior Court or Tribunal acts without jurisdiction or in excess or fails to exercise it, secondly correct errors of law apparent on the face of the record, and thirdly correct and interfere with the findings that are based on suspicion, conjectures or surmises or no reason. The law is well settled that this Court does not act as an appellate authority and reappraise the evidence while exercising certiorari jurisdiction. It is within these parameters, the impugned award of the Labour Court, is to be examined.

In the case on hand, the Industrial Tribunal on consideration of the matter, thought it fit to give another chance to the workman and passed award directing reinstatement by imposing conditions stated supra. One of the conditions imposed by the Tribunal while reinstatement is that the workman shall put in minimum musters for three consecutive years for confirmation of his services. There is no illegality or irregularity in the award passed by the Industrial Tribunal warranting interference of this Court.

The writ petition is accordingly, dismissed. No costs.

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N.V.RAMANA,J

DATE:27-03-2006

TVK

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